

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

NOLAN COLEMAN,	)	
	)	
Petitioner,	)	
v.	)	No. 1:12-cv-413-TWP-TAB
	)	
K. BUTTS,	)	
	)	
Respondent.	)	

**Entry Discussing Petition for Writ of Habeas Corpus**

A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. ' 2254(a) only if it finds the applicant is in custody in violation of the Constitution or laws or treaties of the United States.<sup>@</sup> *Id.* Because habeas petitioner Nolan Coleman fails to show that this is the case with respect to the disciplinary proceeding challenged in this case, his petition for a writ of habeas corpus must be **denied** and this action dismissed.

**Discussion**

In a disciplinary proceeding identified as No. ISR 11-09-0030, Coleman was found guilty of the unauthorized possession of a cell phone. The evidence favorable to the decision of the hearing officer is that on September 8, 2011, a search of the cell to which Coleman was assigned revealed the presence of assorted contraband, including a cell phone. The charge had been issued as unauthorized possession of a controlled substance, but the finding was as has been described. Both the cell phone and the suspected controlled substance were part of the contraband found in

Coleman's stash. Contending that the proceeding was constitutionally infirm, Coleman seeks a writ of habeas corpus.

Indiana state prisoners have a liberty interest in their good-time credits and therefore are entitled to due process before the state may revoke them. *Wolff v. McDonnell*, 418 U.S. 539, 557 (1974); *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004). The right to due process in this setting is important and is well-defined. Due process requires the issuance of advance written notice of the charges, a limited opportunity to present evidence to an impartial decision-maker, a written statement articulating the reasons for the disciplinary action and the evidence justifying it, and some evidence in the record to support the finding of guilt. *See Superintend., Mass. Corr. Inst. v. Hill*, 472 U.S. 445, 454 (1985); *Wolff v. McDonnell*, 418 U.S. 539, 564, 566, 570-71 (1974); *Piggie v. Cotton*, 344 F.3d 674, 677 (7th Cir. 2003); *Webb v. Anderson*, 224 F.3d 649, 652 (7th Cir. 2000).

Under *Wolff* and *Hill*, Coleman received all the process to which he was entitled. That is, the charge was clear, adequate notice was given, and the evidence was sufficient. In addition, (1) Coleman was given the opportunity to appear before the hearing officer and make a statement concerning the charge, (2) the hearing officer issued a sufficient statement of its findings, and (3) the hearing officer issued a written reason for the decision and for the sanctions which were imposed. Although the charge differed from the ultimate finding, the conduct report recited that the cell phone had been found with the suspected controlled substance and this was described in the conduct report. Under these circumstances, the modification

did not deprive Coleman of due process. *See Northern v. Hanks*, 326 F.3d 909, 910-11 (7th Cir. 2003) (where petitioner was notified of facts underlying the charge, there was no due process violation where the hearing officer modified the charge).

Coleman's claims that he was denied the protections afforded by *Wolff* are refuted by the expanded record and based on assertions which do not entitle him to relief. "The touchstone of due process is protection of the individual against arbitrary action of the government." *Wolff*, 418 U.S. at 558. There was no arbitrary action in any aspect of the charge, disciplinary proceeding, or sanctions involved in the events identified in this action, and there was no constitutional infirmity in the proceeding which entitles Coleman to the relief he seeks. Accordingly, his petition for a writ of habeas corpus must be **denied** and the action dismissed. Judgment consistent with this Entry shall now issue.

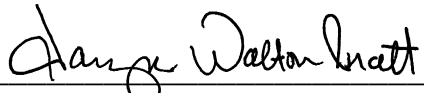
**IT IS SO ORDERED.**

Date: 09/24/2012

Distribution:

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Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana